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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: March 10, 2022***

+ **W.P.(C) 2299/2022 & CM APPLN. 6606-07/2022**

VIKRANT SEHRAWAT Petitioner

Through: Mr. Ankur Chibber, Advocate

Versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Ajay Digpaul, CGSC & Mr.
Kamal R. Digpaul, Advocate with
Mr. Kailash Chandra Bhatt, Asst.
Commandant (Office)

+ **W.P.(C) 3626/2022 & CM APPLN. 10745/2022**

NITISH MALIK Petitioner

Through: Mr. Sanchar Anand, Advocate

Versus

UNION PUBLIC SERVICE COMMISSION & ANR.

Respondents

Through: Mr. Naresh Kaushik, Advocate &
Mr. Anand Singh for respondent
No.1/UPSC

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T (oral)

1. By way of the above captioned writ petitions bearing W.P. (C) Nos. 2299/2022 and 3626/2022, the petitioners seek a direction to the



respondents to call them for the Physical Standard Test (PST); Physical Efficiency Test (PET) and the Medical Standard Test (MST) under the relevant guidelines of the Central Armed Police Forces (Assistant Commandant) Examination, 2021; and, if found fit, to call them for the next stage of the selection process.

2. Since the facts and issues raised, and the prayers sought, in both the writ petitions are very similar, these petitions have been heard together and are being disposed-of by this common judgment.
3. The case of the petitioners is that pursuant to Notice dated 15.04.2021 issued by the Union Public Service Commission (UPSC), the petitioners had applied for the post of Assistant Commandant in the Central Armed Police Forces. Both the petitioners had appeared in the written examination held on 08.08.2021; the results whereof were declared on 13.10.2021 by the UPSC *vidé* two different Press Notes; and both petitioners were declared successful in the examination. According to the petitioners, the first Press Note contained the roll numbers of all the provisionally selected candidates who had qualified for PST, PET and MST; and the second Press Note also contained the results along with instructions regarding online submission of the Detailed Application Form (DAF) by the candidates.
4. The grievance of the petitioners is that though the PST, PET and MST were scheduled and conducted by the respondents from 22.12.2021 to 31.12.2021; however, the petitioners contend that they did not receive any intimation nor the admit cards for the same; and were therefore unable to appear in these tests.



5. Learned counsel appearing on behalf of petitioners submit that the primary responsibility of intimating provisionally selected candidates about the schedule of these physical/medical tests was that of the nodal authority nominated by the respondents *i.e.* the ITBP; but no intimation was given to the petitioners.
6. To the contrary, learned Central Government Standing Counsel appearing on behalf of the respondents have refuted the claim made on behalf of petitioners, instead drawing attention of this court to Entry No.11 dated 09.12.2021 appearing on the portal of the respondents *i.e. recruitment.itbpolice.nic.in* highlighting that “PST PET AND MST OF CAPFS ACS EXAMINATION 2021 HAS BEEN SCHEDULED FROM 22-12-2021 ONWARDS CANDIDATES MAY DOWNLOAD THEIR ADMIT CARD FROM MENTIONED LINK IN PDF FILE”. Attention of this court has also been drawn to e-mails sent to the petitioners containing the link to the admit card and intimating the schedule of the tests, supported by the certificates issued by the National Informatics Centre and M/s CISCO, evidencing that the e-mails in question were duly delivered to the petitioners. It is thereby contended that it is the petitioners who have, for their own fault, failed to appear in the aforesaid tests.
7. It is further submitted by learned counsel appearing on behalf of respondents that Press Note dated 13.10.2021 issued by them also stated that if any candidate does not receive any intimation from the nodal authority in respect of Physical Standards Tests/Physical Efficiency Test and Medical Standards Test, “*he/she may contact the*



HQ, DG, Indo Tibetan Border Police on Telephone No. 011-24369482/011-24369483 & e-mail ID comdtrect@itbp.gov.in and U.P.S.C.”. It is submitted that despite this, the petitioners - Vikrant Sehrawat and Nitish Malik approached the respondents only on 07.01.2022 and 20.01.2022 respectively, whereas the PST, PET and MST were conducted by the respondents between 22.12.2021 and 31.12.2021.

8. Learned counsel for respondents, on instructions, have also informed this court that the results for the PST, PET and MST have already been sent to the UPSC; and further that, around 230 candidates did not appear in the physical/medical exams; and that they have in fact received around 32 representations as mentioned in the Press Note in this behalf. The respondents' submission is that if these petitions are allowed, it would open the Pandora's box for them.
9. We have heard learned counsel representing both sides and have carefully considered the matter.
10. In view of the material produced before this court by the respondents, we reject the contention of petitioners that they had not received any communication from the respondents regarding the schedule and dates for the PST/PET/MST or that the petitioners had not received their admit cards for the said tests. Moreover, when information in that regard was in any case available on the official portal of respondents, it was the petitioners' duty to be vigilant and to check the portal for such information in a timely manner; failing which, they could even have contacted the respondents on the phone numbers, e-mail IDs etc.



available on the portal. This, the petitioners evidently did not do. Now that the results for PST, PET and MST have already been sent to the UPSC for continuing further with the selection process, we find no ground to allow these petitions.

11. The petitions and pending applications are accordingly dismissed.

(SURESH KUMAR KAIT)
JUDGE

(ANUP JAIRAM BHAMBHANDI)
JUDGE

MARCH 10, 2022

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